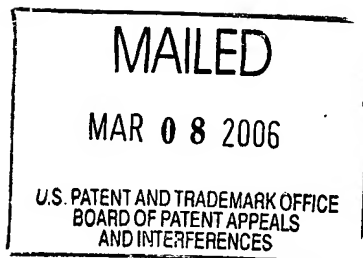


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SEI-NO-SUKE MIZUNO

Application No. 10/685,587

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on February 8, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

A review of the file indicates that on November 15, 2005, the examiner mailed an Examiner's Answer. A review of the Answer reveals that on page 3, section (8), the examiner includes the heading of "Evidence Relied Upon" but fails to list the references relied upon as evidence in the rejection of claims on appeal.

Application No. 10/685,587

Accordingly, it is

ORDERED that the application is returned to the
examiner to:

(1) vacate the Examiner's Answer mailed on
November 15, 2005, and submit a corrected Examiner's Answer which
identifies the list of references relies upon in the rejection
of claims on appeal under the heading of "Evidence Relied Upon;"
and

(2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

DALE M. SHAW

Program and Resource Administrator
(571) 272-9797

cc: Rader, Fishman & Grauer PLLC
Lion Building
1233 20th Street N.W., Suite 501
Washington, DC 20036

DMS/clm

SN 10-685,587

Assigned on 2/16/06

Please review by 2/23/06 and return to Ms. Cook, for appeal number and docketing notice. Place on top of desk at ME/9D35.

If a return is needed, please draft the return for administrator signature.

Thank you
Laverne